



500 West Big Beaver  
Troy, MI 48084  
troymi.gov



## CITY COUNCIL AGENDA ITEM

Date: January 2, 2025

To: Frank Nastasi, City Manager

From: Robert J. Bruner, Deputy City Manager  
Robert Maleszyk, Chief Financial Officer  
Kyle Vieth, Controller  
G. Scott Finlay, City Engineer  
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Approval of a Purchase Agreement, Acceptance of a Permanent Easement, and Approval of Compensation, Rochester Road, Barclay to Trinway, Project No. 02.206.5, Parcel #96, Sidwell #88-20-15-251-035, Ashraf H. Memon and Shahzadi A. Memon Trust

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### **History**

In connection with the proposed improvements to Rochester Road from Barclay to Trinway, Ashraf H. Memon and Shahzadi A. Memon, as trustees of The Ashraf H. Memon and Shahzadi A. Memon Trust dated January 10, 2010, signed a conditional Agreement to Purchase Realty for Public Purposes and granted to the City of Troy a Permanent Easement for Public Utilities and Public Service Facilities for the property identified by Sidwell #88-20-15-251-035.

The property is an improved residential parcel zoned R-1C, One Family Residential. It is located in the northeast  $\frac{1}{4}$  of Section 15, south of Long Lake Road on the west side of Rochester Road at Eckford.

### **Financial**

An appraisal report was prepared by Andrew Boettcher, a State of Michigan Certified Real Estate Appraiser and reviewed by Kimberly Harper, Deputy City Assessor and a State of Michigan Licensed Appraiser. Staff believes the total compensation amount of \$94,531.00 is justified for right of way and necessary easement rights.

Staff also requests authorization for closing costs not to exceed \$8,000.00. These costs may include those levied by financial institutions for mortgage subordination applications, additional appraisals and processing fees.

Eighty percent of all acquisition costs will be reimbursed from Federal funds. The City of Troy share is available in the 2024 Capital Projects Fund, Project Code 2022CG0002, Account #401.449.202.989.022065-Public Works Construction Rochester from Barclay to Trinway.

### **Recommendation**

Staff recommends that City Council approve the purchase agreement, accept the permanent easement and authorize compensation in the amount of \$94,531.00 and additional costs not to exceed \$8,000.00.

### **Legal Review**

This item was submitted to the City Attorney for review pursuant to City Charter Section 3.17.



Notes:

RR, Barcaly to Trinway  
Parcel #96, Memon Trust  
Sidwell #88-20-15-251-035



CITY OF TROY  
AGREEMENT TO PURCHASE REALTY  
FOR PUBLIC PURPOSES

The CITY OF TROY, a Michigan municipal corporation (the "Buyer"), agrees to purchase from The Ashraf H. Memon and Shahzadi A. Memon Trust dated January 10, 2010 (the "Sellers"), the following described premises (the "Property"):

SEE DESCRIPTIONS OF RIGHT OF WAY ACQUISITION ON ATTACHED EXHIBITS "A" AND "B"

for a public project within the City of Troy and to pay the sum of Eighty-Five Thousand, Four Hundred, Sixty-One and 00/100 dollars (\$85,461) under the following terms and conditions:

1. Seller shall assist Buyer in obtaining all releases necessary to remove all encumbrances from the property so as to vest a marketable title in Buyer.
2. Seller shall pay all taxes, prorated to the date of closing, including all special assessments, now due or which may become a lien on the property prior to the conveyance.
3. Seller shall deliver the Warranty Deed upon payment of the purchase money by check drawn upon the account of the City of Troy.
4. Buyer shall, at its own expense, provide title insurance information, and the Seller shall disclose any encumbrances against the property.
5. This Agreement is binding upon the parties and closing shall occur within ninety (90) days of the date that all liens have been released and encumbrances have been extinguished to the satisfaction of the Buyer, unless extended by agreement of the parties in writing. It is further understood and agreed that this period of time is for the preparation and authorization of purchase money.
6. Buyer shall notify the Seller immediately of any deficiencies encumbering marketable title, and Seller shall then proceed to remove the deficiencies. If the Seller fails to remove the deficiencies in marketable title to Buyer's approval, the Buyer shall have the option of proceeding under the terms of this Agreement to take title in a deficient condition or to render the Agreement null and void, and any deposit tendered to the Seller shall be returned immediately to the Buyer upon demand.
7. The City of Troy's sum paid for the property being acquired represents the property being free of all environmental contamination. Although the City of Troy will not withhold or place in escrow any portion of this sum, the City reserves its rights to bring Federal and/or State and/or local cost recovery actions against the present owners and any other potentially responsible parties, arising out of a release of hazardous substances at the property.
8. Seller acknowledges that this offer to purchase is subject to final approval by Troy City Council.
9. Seller grants to Buyer temporary possession and use of the property commencing on this date and continuing to the date of closing in order that the Buyer may proceed with the public project.
10. Additional conditions, if any:

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\_\_\_\_\_  
\_\_\_\_\_

SELLER HEREBY ACKNOWLEDGES THAT NO PROMISES WERE MADE EXCEPT AS CONTAINED IN THIS AGREEMENT.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this

2ND day of JANUARY, A.D. 2024  
2025.

In presence of:

CITY OF TROY, a Michigan municipal corporation (BUYER)

Patricia A. Petitto

\*Patricia A. Petitto  
Right of Way Consultant

SELLERS:

ASHRAF H. MEMON AND SHAHZADI A. MEMON TRUST. DATED JANUARY 10, 2010

Ashraf Memon

\*Ashraf H. Memon, Trustee

Shahzadi A. Memon

\*Shahzadi A. Memon, Trustee

# RIGHT OF WAY ACQUISITION AND UTILITY EASEMENT

## EXHIBIT "A"

### PARCEL 96

DESCRIPTION TAKEN FROM TITLE WORK FROM FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NUMBER 2208610 AND DATED JUNE 24, 2022.

### PARENT PROPERTY DESCRIPTION

PARCEL ID: 20-15-251-035

PROPERTY LOCATED IN THE CITY OF TROY, COUNTY OF OAKLAND, STATE OF MICHIGAN  
THE EAST 100.09 FEET OF LOTS 5 AND 6 EXCEPT THE NORTH 5 FEET OF LOT 5, STEPHENSON-LAND CO.'S ACRES SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 48, PAGE 53 OF PLATS, OAKLAND COUNTY RECORDS  
SUBJECT TO RESERVATIONS, RESTRICTIONS AND EASEMENTS OF RECORD, IF ANY.

### DESCRIPTION OF RIGHT OF WAY ACQUISITION


THE EAST 15 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

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2,268 SQUARE FEET AND/OR 0.05 ACRES OF LAND.

### DESCRIPTION OF UTILITY EASEMENT

THE WEST 12.00 FEET OF THE EAST 27.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

PROPERTY LOCATED IN THE CITY OF TROY, COUNTY OF OAKLAND, STATE OF MICHIGAN  
THE EAST 100.09 FEET OF LOTS 5 AND 6 EXCEPT THE NORTH 5 FEET OF LOT 5, STEPHENSON-LAND CO.'S ACRES SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 48, PAGE 53 OF PLATS, OAKLAND COUNTY RECORDS  
CONTAINS 1,814 SQUARE FEET.

JOB NO. 20160715	 <b>HUBBELL, ROTH &amp; CLARK, INC</b> CONSULTING ENGINEERS SINCE 1915	555 HULET DRIVE BLOOMFIELD HILLS, MICH.	P.O. BOX 824 48303 - 0824	SHEET NO.
DATE 02/15/23		PHONE: (248) 454-6300 FAX (1st. Floor): (248) 454-6312 FAX (2nd. Floor): (248) 454-6359 WEB SITE: www.hrcenr.com	1	OF 2



**PERMANENT EASEMENT  
FOR PUBLIC UTILITIES &  
PUBLIC SERVICE FACILITIES**

Sidwell #88-20-15-251-035  
Resolution #

The Ashraf H. Memon and Shahzadi A. Memon Trust dated January 10, 2010, whose address is 995 Eckford, Troy, MI 48085 for and in consideration of the sum of: Nine Thousand, Seventy, and 00/100 Dollar (\$9,070) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to access, construct, reconstruct, modify, operate, maintain, repair, upgrade, improve, inspect, enlarge or remove and/or replace **public utilities and public service facilities**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE UTILITY EASEMENT DESCRIPTIONS ON EXHIBITS "A" AND "B" ATTACHED HERETO  
AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair, grading and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed THEIR signature(s)  
this 2ND day of JANUARY, ~~2024~~ 2025.

THE ASHRAF H. MEMON AND SHAHZADI A.  
MEMON TRUST, DATED JANUARY 10, 2010

Ashraf Memon (L.S.)

\* Ashraf H. Memon, Trustee

Shahzadi A. Memon (L.S.)

\*Shahzadi A. Memon, Trustee

STATE OF MICHIGAN            )  
COUNTY OF OAKLAND        )

The foregoing instrument was acknowledged before me this 2ND day of JANUARY, ~~2024~~ <sup>2025</sup>,  
by Ashraf H. Memon and Shahzadi A. Memon, Trustees of the Ashraf H. Memon and Shahzadi A.  
Memon Trust Dated January 10, 2010..

Patricia A. Petitto  
\* PATRICIA A. PETITTO  
Notary Public, OAKLAND County, Michigan  
My Commission Expires DECEMBER 31, 2026  
Acting in OAKLAND County, Michigan

Prepared by: Patricia Petitto, SR/WA, RW-RAC  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

Return to: City Clerk  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084



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### DESCRIPTION OF UTILITY EASEMENT

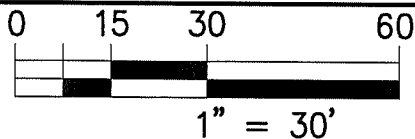
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DATE 02/15/23		PHONE: (248) 454-6300 FAX (1st. Floor): (248) 454-6312 FAX (2nd. Floor): (248) 454-6359 WEB SITE: www.hrcengr.com	1	OF 2

# RIGHT OF WAY ACQUISITION AND UTILITY EASEMENT

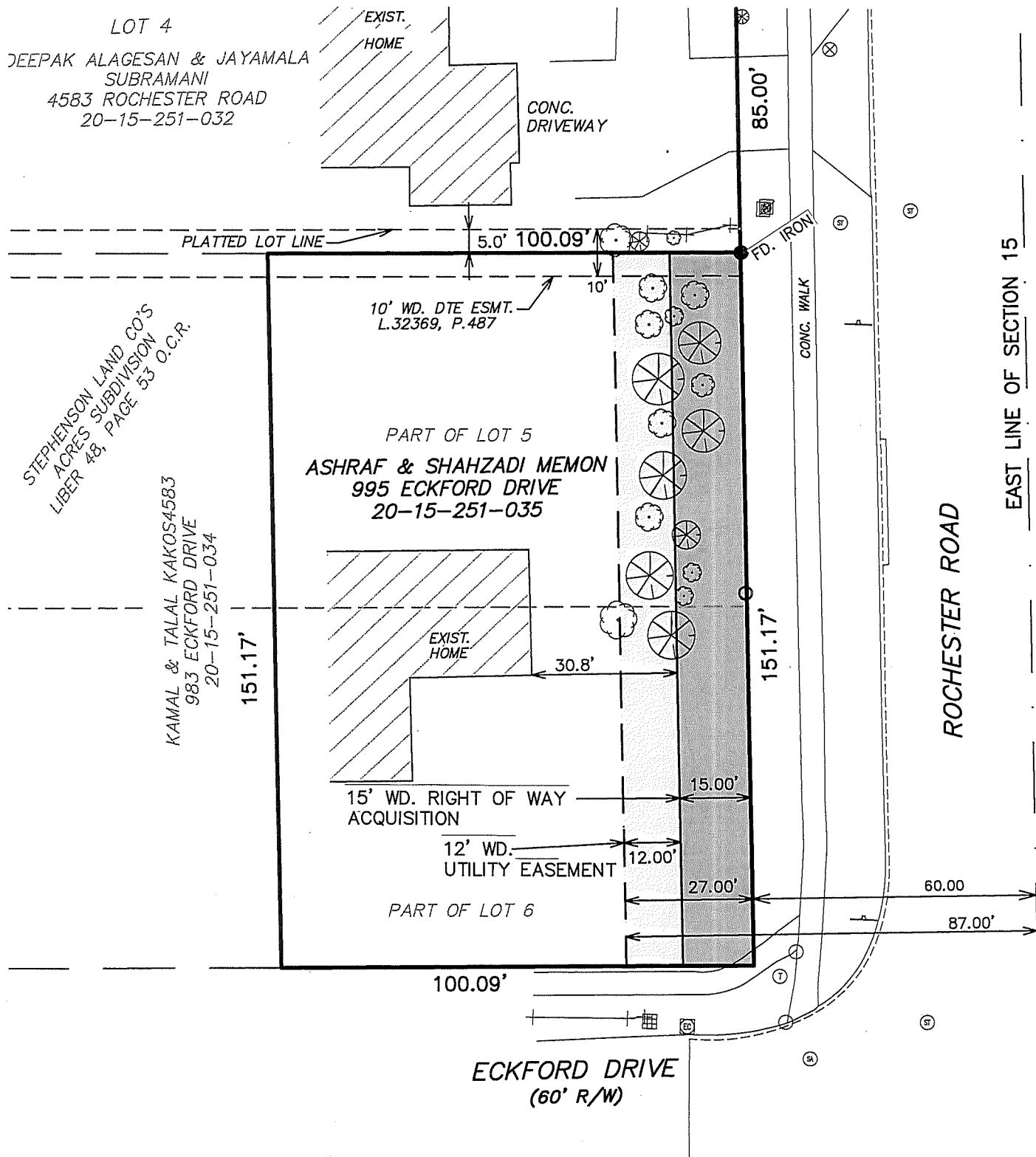


## EXHIBIT "B"

PARCEL 96



NOTE:  
ENTIRE PROPERTY IS NOT SHOWN.



TOTAL PROPERTY = 15,129.6+- SQ. FT.  
 RIGHT OF WAY ACQUISITION = 2,268 SQ. FT.  
 REMAINDER = 12,862+- SQ. FT.  
 UTILITY EASEMENT = 1,814 SQ. FT.

**LEGEND:**  
 RIGHT OF WAY ACQUISITION [shaded box]  
 UTILITY EASEMENT [unshaded box]

JOB NO. 20160715
DATE 02/15/23

**HRC**  
**HUBBELL, ROTH & CLARK, INC**  
 CONSULTING ENGINEERS SINCE 1915

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